

### REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claim 15 is canceled without prejudice or disclaimer. New claim 16 has been added and is supported by claim 7. No new matter has been added.

#### §112 Rejection

Claims 7-13 and 15 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection. Claim 15 has been canceled, rendering this rejection moot as to that claim. Applicants do not concede the correctness of this rejection as it applies to claim 15.

Figure 2 illustrates lamellae rings 42, 43 that each include a plurality of lamellae 40 that are circumferentially spaced apart around an outer circumference of a pipe 10. Each lamellae 40 is coupled to a motor 45. The lamellae 40 are not connected to other lamellae within a given lamella ring 42, 43 or connected to lamellae of an adjacent ring 42, 43. Each motor 45 adjust a position of the lamellae 40 to which it is coupled (page 4, third full paragraph of the present specification). Applicants submit that Figure 2 fully supports the limitations of claim 7. To further clarify the embodiment shown in Figure 2, the present specification has been amended to recite the function of some features shown in Figure 2, in particular the independent positioning of individual lamellae 40 with a motor 45 separately coupled to each lamellae. The specification has also been amended to recite some related advantages of the configuration shown in Figure 2. No new matter has been added. (MPEP 2163.07(a) – "The application may later be amended to recite the function, theory or advantage without introducing prohibited new matter.")

The Examiner has indicated that claims 7-13 would be allowable if the §112 rejection were overcome. In view of the above-mentioned changes to the specification, Applicants submit that claims 7-13 are in condition for allowance.

Claim 15 was rejected under 35 U.S.C. § 102(b) as being anticipated by Schott, Jr. (U.S. 3,980,418). Applicants respectfully traverse this rejection. As noted above, claim 15 has been canceled. Applicants do not concede the correctness of this rejection.

New Claim


Claim 16 has been added as a new independent claim that includes some of the limitations of claim 7. The cited art, Schott (US 3,980,418) in particular, fail to disclose or suggest a first lamella ring that includes a plurality of lamellae, wherein "each of the plurality of lamellae being individually adjustable radially relative to the outer surface of the pipe without altering a radial position of the other lamellae in the first lamellae ring," as required by claim 16. Consideration and allowance of new claim 16 is respectfully requested.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicant's attorney of record, John J. Gresens (Reg. No. 33,112), at 612.371.5265.

Respectfully submitted,

MERCHANT & GOULD P.C.  
Post Office Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 371-5265

Dated: July 19, 2004

By   
John J. Gresens  
Reg. No. 33,112  
JJG/JNR